House File 2398 - Introduced

HOUSE FILE 2398
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2114)

A BILL FOR

- 1 An Act relating to the murder of a peace officer, reserve peace
- officer, correctional officer, jailer, public employee, or
- 3 hostage, and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 707.2, subsection 1, paragraph d, Code
- 2 2014, is amended to read as follows:
- 3 d. The person intentionally kills a peace officer,
- 4 correctional officer, public employee, or hostage while the
- 5 person is imprisoned in a correctional institution under the
- 6 jurisdiction of the Iowa department of corrections, or in a
- 7 city or county jail or reserve peace officer when the officer
- 8 is in the performance of any act which is within the scope of
- 9 the lawful duty or authority of that officer and the person
- 10 knew or should have known the individual to be an officer.
- Sec. 2. Section 707.2, subsection 1, Code 2014, is amended
- 12 by adding the following new paragraph:
- NEW PARAGRAPH. g. The person intentionally kills a
- 14 correctional officer, jailer, public employee, or hostage while
- 15 the person is imprisoned in a correctional institution under
- 16 the jurisdiction of the Iowa department of corrections, or in
- 17 a city or county jail.
- 18 Sec. 3. Section 707.3, subsection 1, Code 2014, is amended
- 19 to read as follows:
- 20 1. a. A person commits murder in the second degree when the
- 21 person commits murder which is not murder in the first degree.
- 22 b. Murder in the second degree includes the following:
- 23 (1) The person kills a peace officer or reserve peace
- 24 officer when the officer is in the performance of any act which
- 25 is within the scope of the lawful duty or authority of that
- 26 officer and the person knew or should have known the individual
- 27 to be an officer.
- 28 (2) The person kills a correctional officer, jailer,
- 29 public employee, or hostage while the person is imprisoned in
- 30 a correctional institution under the jurisdiction of the Iowa
- 31 department of corrections, or in a city or county jail.
- 32 Sec. 4. Section 902.12, Code 2014, is amended to read as
- 33 follows:
- 34 902.12 Minimum sentence for certain felonies eligibility
- 35 for parole or work release.

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- 1. A person serving a sentence for conviction of the
- 2 following felonies, including a person serving a sentence
- 3 for conviction of the following felonies prior to July 1,
- 4 2003, shall be denied parole or work release unless the person
- 5 has served at least seven-tenths of the maximum term of the
- 6 person's sentence:
- 7 1. a. Murder Except as provided in subsection 2, murder in
- 8 the second degree in violation of section 707.3.
- 9 2. b. Attempted murder in violation of section 707.11.
- 10 $\frac{3}{10}$ Sexual abuse in the second degree in violation of
- 11 section 709.3.
- 12 4. d. Kidnapping in the second degree in violation of
- 13 section 710.3.
- 14 5. e. Robbery in the first or second degree in violation of
- 15 section 711.2 or 711.3.
- 16 6. f. Vehicular homicide in violation of section 707.6A,
- 17 subsection 1 or 2, if the person was also convicted under
- 18 section 321.261, subsection 4, based on the same facts or
- 19 event that resulted in the conviction under section 707.6A,
- 20 subsection 1 or 2.
- 2. Except as provided in section 903A.2, subsection 1,
- 22 paragraph "b", a person serving a sentence for conviction of
- 23 murder in the second degree under section 707.3, subsection 1,
- 24 paragraph b'', shall serve one hundred percent of the maximum
- 25 term of the person's sentence and shall not be released on
- 26 parole or work release.
- 27 EXPLANATION
- 28 The inclusion of this explanation does not constitute agreement with
- 29 the explanation's substance by the members of the general assembly.
- 30 This bill specifies that murder in the first degree includes
- 31 the intentional killing of a peace officer or reserve peace
- 32 officer when the officer is in the performance of any act which
- 33 is within the scope of the lawful duty or authority of that
- 34 officer and the person knew or should have known the individual
- 35 to be an officer. The bill further specifies that murder in

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- 1 the first degree includes the intentional killing of a jailer
- 2 while the killer is incarcerated in a city or county jail.
- 3 Under current law, murder in the first degree includes the
- 4 intentional killing of a peace officer, correctional officer,
- 5 public employee, or hostage while the person is imprisoned in
- 6 a correctional institution under the jurisdiction of the Iowa
- 7 department of corrections, or in a city or county jail.
- 8 Murder in the first degree is a class "A" felony.
- 9 The bill bifurcates the penalty for murder in the second
- 10 degree. Under the bill, a person commits a class "B"
- 11 felony subject to a maximum term of confinement of 50 years,
- 12 classified as an 85 percent sentence under Code section
- 13 902.12, if the person does any of the following: kills a
- 14 peace officer or reserve peace officer when the officer is in
- 15 the performance of any act which is within the scope of the
- 16 lawful duty or authority of that officer and the person knew or
- 17 should have known the individual to be an officer; or kills a
- 18 correctional officer, jailer, public employee, or hostage while
- 19 the person is imprisoned in a correctional institution under
- 20 the jurisdiction of the Iowa department of corrections, or in
- 21 a city or county jail.
- 22 All other murder in the second degree offenses are a class
- 23 "B" felony subject to a maximum term of confinement of 50
- 24 years, classified as 70 percent sentences under Code section
- 25 902.12.

jm/rj